

AgOrder - Ag Order Comments

From: Joel Wiley <JWILEY@wilburellis.com>
To: <AgOrder@waterboards.ca.gov>
Date: 12/31/2010 12:41 PM
Subject: Ag Order Comments

December 31, 2010

Central Coast Regional Water Quality Control Board
 895 Aerovista Place Suite 101
 San Luis Obispo, CA 93401-7906

Dear Chairman Jeffrey Young,

As a Certified Crop Advisor on the Central Coast I have been following the progress of this Board's renewal of the Conditional Waiver of Waste Discharge Requirements for discharge from irrigated lands and have concerns with the staff's draft by order. As someone who has met with staff to "help" establish benchmarks for the draft I have various reservations on how much of the criteria was established.

My first concern is that staff, after meeting with the scientific community and individuals with "boots on the ground", established benchmarks with no science bases behind it. There is no science developed to support the assertions that nitrate levels can be reduced to comply with the benchmarks established within the 4 year time frame. They did not take into consideration soil types and geology for ground water percolation, well nitrate loads or legacy nitrates. Base line legacy nitrate loads are necessary prior to measuring possible nitrate loads from farming practices. Different soils types, percolation rates, water table levels, and nitrate application methods must be considered prior to determining possible nitrates contributed by the farm practices.

I am very concerned about the thresholds of 1,000 acres for inclusion the Tier 3 level. It appears to be very generic and does not differentiate enough to establish flexibility for unique agricultural practices. I have many growers that have adopted Best Management Practices that should be highlighted and not penalized for their size – Each Grower, each Ranch, and each Crop is unique. Establishment of a generic tier program trivializes the work that has been done to improve the farming operation. The grower that does not discharge into a 303(d) water body and has eliminated all chemicals listed in the order would be placed into Tier 3 if their land is within the 1,000 feet set back specified from that body of water.

In the past I wrote a letter of concern about the lack of professionals available to meet the needs of the Ag Order. There appears to be this mass scramble to get your "CCA" certificate. How many of these individuals will have the knowledge to do the things the Ag Order is requiring? There are many great individuals with the best of intentions trying to "get up to speed" to fulfill the regulations. How many of them understand the liability and responsibility placed on them to fill the "New Regulation's Needs"?

The cost to implement the Ag Order is going to create a heavy burden on many growers already facing financial strain. That is why I support the Ag Alternative Proposal. It provides for industry wide collaborated effort. It places fewer burdens on government regulation and more on the industry. It establishes a launching point for education, testing, cost distribution, and benchmarks excepted by all parties. It gives CCWQCB and staff the ability to monitor and regulate without creating more

government.

My greatest hope is that the CCWQCB and the Ag Industry use the past process to forage a sustainable future for generations to come.

Best regards,

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